

Officer TIMOTHY OWENS, Shield # 17370, Correction Officer CHAD ELLIS, Shield # 6386, Correction Officer MICHAEL CRIVERA, Shield # 18755, Correction Officer GEORGE LOCICERO, Shield # 18441, Correction Officer DANIEL COWANS, Shield # 15912, and Captain MICHAEL MITICHELL, Shield # 700.

29. The results of an autopsy performed by the New York City Medical Examiners Office revealed that MR. CLARENCE MOBLEY, JR., sustained multiple rib fractures, blunt trauma of his torso, minor blunt trauma of his head and that MR. MOBLEY had died from a tear in his liver as the result of a blow delivered by the correction officers.

30. On June 11, 2009 about a month after an investigation into the death of MR. MOBLEY began (investigation by Bronx District Attorney's office), the office of Chief Medical Examiner, Dr. Andrea Coleman, ruled his death a homicide (physical restraint following altercation).

31. MR. MOBLEY was savagedly beaten and kicked by at least (3) three correction officers who each weighed over two hundred pounds and MR. MOBLEY was unarmed and emaciated from not eating for the past three days (he weighed 115 pounds at the time of autopsy). Information regarding specific acts of each officer is unknown at this time and will become available when the City provides discovery.

32. MR. MOBLEY was visibly injured as a result of the excessive use of force by the correction officers yet the correction officers never requested any medical

attention for MR. MOBLEY. Instead, MR. MOBLEY was taken to a cell away from other prisoners and left there to rot in his own pain.

33. MR. MOBLEY was left alone in a cell after the beating before another inmate finally insisted that the correction officers look in on MR. MOBLEY.

34. No one from Rikers Island contacted any family member that MR. MOBLEY had died. Family members became aware of MR. MOBLEY'S death when they read about his death covered in the NEW YORK TIMES on May 4, 2009.

DAMAGES

35. As a direct and proximate result of defendant's negligence and actions in applying excessive use of force while restraining CLARENCE MOBLEY, JR., the heirs and distributees of the decedent's estate, represented by the Plaintiffs were caused to sustain the loss of support, society, love, grief, guidance, care comfort companionship and inheritance of the decedent's death, including, but not limited to funeral and burial costs, traveling costs, and for the loss of her husband and their father, untold mental anguish, now and in the future.

36. That Plaintiffs, will invoke all applicable provisions of law relative to damages, which are available to them.

CAUSES OF ACTION

COUNT I

42 U.S.C. §1983 and 1988; EXCESSIVE USE of PHYSICAL FORCE

37. Paragraphs 1-36 are incorporated by reference as though fully set forth.

38. The defendant City is a municipality duly incorporated under the laws of the State and City of New York.

39. Defendant Correction Officers: SHANE HUTCHINSON, Shield # 17243, Correction Officer, TIMOTHY OWENS, Shield # 17370, Correction Officer, CHAD ELLIS, Shield # 6386, Correction Officer, MICHAEL CIRVERA, Shield # 18755, Correction Officer GEORGE LOCICERO, Shield # 18441, Correction Officer, DANIEL COWANS, Shield # 15912 and Captain MICHAEL MITCHELL, Shield # 700 were at all times relevant herein duly appointed and acting Corrections Officers of the New York City Department of Correction.

40. At all times mentioned herein the defendant Correction Officers: Correction Officer, SHANE HUTCHINSON, Shield # 17243, Correction Officer, TIMOTHY OWENS, Shield # 17370, Correction Officer, CHAD ELLIS, Shield # 6386, Correction Officer, MICHAEL CIRVERA, Shield # 18755, Correction Officer GEORGE LOCICERO, Shield # 18441, Correction Officer, DANIEL COWANS, Shield # 15912 and Captain MICHAEL MITCHELL, Shield # 700 were acting under color of law, to